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10/658,664

09/08/2003

Hung-Shan Wei

2004

25859 7590 01/21/2009  
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EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

01/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/658,664

## Applicant(s)

WEI, HUNG-SHAN

## Examiner

FAWAAD HAIDER

## Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "designated priorities" in the second limitation. There is insufficient antecedent basis for this limitation in the claim.

4. The terms "particular contingencies" and "particular requirements" in claim 1 is a relative term which renders the claim indefinite. The term "particular" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al (2002/0188499) in view of Crampton et al (2003/0177050).

Re Claims 1, 9: Jenkins et al discloses wherein: the priority calculating module is used to determine calculated priorities of manufacturing orders in accordance with data on the manufacturing orders (see [0270, 0272, 0280]); the priority revising module is used to revise designated priorities of manufacturing orders to account for particular contingencies that arise, and to satisfy particular requirements of customers (see [0179]); and the document updating module is used to update priority data stored in a database server according to data generated by the priority calculating module and the priority revising module (see [0027, 0078]). However, Jenkins fails to disclose the sorting module. Meanwhile, Crampton et al discloses the sorting module is used to display manufacturing orders in selected sequences for users, wherein the selectable sequence comprises sequence according to the designated priority, the calculated priority, a scheduled manufacturing starting time, or a scheduled manufacturing completion time (see [0115, 0117, 0144]). From the teaching of Crampton, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jenkins' invention with Crampton's sorting module in order to "allow for modeling order

groups and sorting criteria in such a way that the highest priority orders get processed first (see Crampton [0115])."

Re Claim 2: Jenkins discloses wherein the priority calculating module, the priority revising module, the sorting module and the document updating module are comprised in an application server (see [0057]).

Re Claim 8: Jenkins discloses wherein the calculated priority is determined using the formula:  $\text{Calculated priority} = (\text{scheduled manufacturing completion time} - \text{current date}) / (\text{scheduled manufacturing completion time} - \text{scheduled manufacturing starting time})$  (see [0270, 0272, 0280]).

Re Claim 11: Jenkins discloses wherein the determining step relates to a scheduled manufacturing starting time and a scheduled manufacturing completion time of the manufacturing order (see [0040]).

7. Claims 3-5, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al (2002/0188499) in view of Crampton et al (2003/0177050) and further in view of Drolet et al (2002/0147622).

Re Claims 3-5, 7, 10. Drolet discloses further comprising a database connecting module which connects the priority calculating module, the priority revising module, the sorting module and the document updating module with a master list of manufacturing orders and detailed records of manufacturing orders, which are comprised in a database server. Drolet also discloses wherein the database server comprises a database management module for managing the master list of manufacturing orders and the detailed records of manufacturing orders. Finally, Drolet discloses wherein the

document updating module updates data stored in the master list of manufacturing orders and the detailed records of manufacturing orders in accordance with implementation results of the priority calculating module and the priority revising module (see [0049, 0053, 0142]). From the teaching of Drolet, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jenkins and Crampton with Drolet's use of a master list in order to "monitor critical supply chain parameters (see Drolet Abstract)."

***Response to Arguments***

8. Applicant's arguments filed 9/30/08 have been fully considered but they are not persuasive. The applicant first argues that Jenkins fails to disclose or teach "the priority revising module is used to revise designated priorities of manufacturing orders to account for particular contingencies that arise, and to satisfy particular requirements of customers." In [0179], Jenkins discloses allowing one to "define the priorities for allocating stock to meet specified categories of demand." The applicant then argues that Crampton fails to teach or suggest "the sorting module is used to display manufacturing orders in selectable sequences for users, wherein the selectable sequence comprises sequence according to the designated priority, the calculated priority, a scheduled manufacturing starting time, or a scheduled manufacturing completion time." In [0115], Crampton discloses that "the order sorting mechanism allows for modeling order groups and sorting criteria in such a way that the highest priority orders get processed first.... The criteria may be different for each group. For example, orders within one group may be sorted by need dates while orders for another group may be by a pre-defined priority

number." Then, in [0117], Crampton discusses how they are ordered by different attributes. Next, in [0144], Crampton discusses a scheduled manufacturing starting time and scheduled manufacturing completion time.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner

Art Unit 3627

FIH

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627